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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,748	03/17/2004	Dana M. Walker	100041-41199	6866
27805	7590	10/30/2006	EXAMINER	
THOMPSON HINE L.L.P.			WILLIAMS, JAMILA O	
P.O. BOX 8801			ART UNIT	
DAYTON, OH 45401-8801			PAPER NUMBER	

3722

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/803,748	Applicant(s) WALKER ET AL.	
	Examiner Jamila O. Williams	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 11-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over 4,614,450 to Neiman in view of 3,970,397 to Armstrong. Neiman discloses a system comprising at least one storage sheet (10) having at least one pocket (pocket 18 used for storing index cards) in a notebook (fig1) having a front and back cover and a binding mechanism (16). Neiman further discloses that the pockets are transparent (abstract of Neiman).

Neiman does not however disclose including at least one supply sheet having at least one index card formed therein and detachable therefrom. Armstrong teaches having a supply sheet capable of being bound in a notebook via binding edge (28) and having at least one detachable index card thereon with perforations (fig 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the supply sheet of Armstrong with the system of Neiman for the purpose of allowing the user to store both the index cards and the supply sheet together.

Regarding claim 3 wherein the system further comprises a plurality of sheets of paper bound by the binding mechanism. It is well known to provide sheets of paper in a notebook. Therefore it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to include sheets of paper in the notebook of Neiman (modified by Armstrong) for the purpose of providing the user with sheets for writing information thereon.

Regarding the limitations of claim 4 wherein the supply sheet is similar in shape but generally smaller than the sheets of paper and the limitations of claims 12, 14-16 wherein the index cards are of a specific size, it is well known to have paper or index cards of various sizes therefore it would have been obvious to one having ordinary skill in the art that the time the invention was made to alter the size of the sheet as suited for the intended use, especially since applicant has provided no criticality towards the size of the paper (page 6 paragraph [0026] of spec.) nor the size of the index cards (page 4 paragraph [0021] last 5 lines of spec.).

Regarding the limitations of claim 6 wherein the binding mechanism is a helical coil, Neiman uses binding rings as the binding mechanism but helical coil springs are also a well known binding mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a well known helical coil binder for the purpose of binding the sheets together, since binding rings and helical coil binders are art recognized equivalents.

Regarding claim 11, Neiman (modified by Armstrong) discloses having two pockets being rectangular in shape and the first pocket having a longitudinal axis. Neiman (modified by Armstrong) does not however disclose that the second rectangular pocket has a longitudinal axis perpendicular to the axis of the first pocket. However changing the size of the pocket such that the longitudinal axis of the second pocket is

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perpendicular to the axis of the first pocket would be an obvious matter of design choice. This modification would allow for storing index cards of different sizes.

Regarding claim 13, Neiman (modified by Armstrong) discloses the index card being formed on the supply sheet by a plurality of perforations in the supply sheet (fig 1 of Armstrong).

Regarding claims 17-18, Neiman (modified by Armstrong) discloses the pocket being made of a generally transparent material and that the pocket is sized to generally closely receive one index card therein (abstract and fig 3).

Neiman (modified by Armstrong) also satisfies the method for assembling an index card storage system, recited in claims 19-27. Regarding the method steps of claims 28-29, Neiman teaches providing a storage sheet with a pocket thereon and a binding mechanism and a teaching of placing index cards in the pockets (fig3). Armstrong teaches having a supply sheet with detachable index cards thereon and placing the detached card in a pocket (fig 6). Therefore it would have been obvious to place the index card of Armstrong in the pocket of Neiman for the purpose of providing safe storage of the card.

3. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over 4,614,450 to Neiman in view of 3,970,397 to Armstrong and further in view of 6,652,178 to Walton.

Regarding claim 7, Neiman modified by Armstrong does not provide pockets with a flap. Walton teaches having a supply sheet with a pocket thereon having a mouth and flap (see figures 7a-d for example. 7a shows a diagonally stacked pockets and a flap;

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figures 7b-d show pockets with individual flaps for each pocket on the sheet). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the flap taught in figure 7a of Walton with the pockets of Neiman (modified by Armstrong) for the purpose of safely closing the pockets. Alternatively, it would have been obvious to one having ordinary skill in the art to use the sheets with pockets thereon (as shown in figures 7b-d) into the system of Neiman (modified by Armstrong) for the purpose of providing additional storage means for the index cards. Especially since Walton teaches using the pockets for storing index cards (see abstract of Walton).

4. Claims 1,7,8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,652,178 to Walton in view of Armstrong and further in view of 3,720,304 to Laugherty et al. Walton discloses a storage system having at least one storage sheet (fig 1 of Walton) with at least one pocket that is to be bound in a notebook binder (abstract of Walton). Walton further discloses that the pocket includes a mouth and flap (fig 7a-d of Walton). Walton however fails to disclose a supply sheet having an index card formed therein and detachable therefrom and a binding mechanism for binding the sheet together with the storage sheet. Armstrong teaches having at least one supply sheet having an index card formed therein and detachable therefrom (fig 1 of Armstrong) and that has a binding edge (28) to be bound in a notebook (see fig 4 of Armstrong). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the storage sheet and binding mechanism (notebook) as taught by Walton with

the supply sheet and binding edge of Armstrong for the purpose of providing storage for both the supply and storage sheets.

This combination does not however disclose the slit and crease used to close the flap, as recited in claims 8-10. Laugherty teaches having a pocket device (cardboard in figures forms a pocket) having a slit (slit which forms tab 6) on the front face of the pocket for receiving flap (4) wherein the pocket has a crease such that the slit edge is pivotable about the crease (see figures 2-5, crease allows for pivotable movement of tab 6); wherein the slit forms an angle with the body of the pocket and is shaped to guide the flap there under (fig 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the teachings of Laugherty with the pocket of Walton (modified by Armstrong) for the purpose of more securely closing the flap and pocket.

Response to Arguments

Applicant's arguments filed 8/16/2006 have been considered but are not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the

art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969.

In this case, Neiman discloses a storage sheet having at least one pocket and a binding mechanism for binding the storage sheet therein (figure 1). Neiman further discloses storing index cards in the at least one pocket (figure 3 for example). Armstrong teaches having supply sheet (10) having at least one index card formed therein and detachable therefrom (via perforations). The examiner takes the position that the card of Armstrong satisfies the requirement of an "index card" in that it is a substrate or card with indicia thereon (or capable of supporting indicia) and capable of being indexed or filed. Armstrong further teaches having binding apertures 32 on the edge of the card that allows for binding in a ring binder (figure 4). The examiner maintains that it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the supply sheet of Armstrong with the binder and storage sheet of Neiman for the purpose of providing a more convenient system for the user (i.e. by storing the supply and storage sheets together).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


10/26/06


MONICA CARTER
SUPERVISORY PATENT EXAMINER